

# Board of Education Agenda Item

Item: \_\_\_\_\_ M. \_\_\_\_\_

Date: \_\_\_\_\_ November 30, 2005

Topic: Annual Report on Pre-Labor Day Waiver Requests

Presenter: Ms. Michelle Vucci, Director of Policy

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## Origin:

☒ Topic presented for information only (no board action required)

☒ Board review required by

\_\_\_\_\_ State or federal law or regulation

\_\_\_\_\_ Board of Education regulation

☒ Other: Board of Education Resolution #1999-2

☒ Action requested at this meeting

\_\_\_\_\_ Action requested at future meeting: \_\_\_\_\_

(date)

## Previous Review/Action:

☒ No previous board review/action

\_\_\_\_\_ Previous review/action

date \_\_\_\_\_

action \_\_\_\_\_

## Background Information:

Section 22.1-79.1 of the Code of Virginia prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless the Board of Education grants a waiver for "good cause." As outlined in that Code section at subsection B, "good cause" means:

- A school division has been closed an average of eight days per year during any five of the last ten years due to an emergency situation, such as severe weather conditions.
- A school division has a program that is dependent on or provided in a school in another division and that division has qualified for the waiver. This waiver applies only to the opening date of the school with the dependent program.
- A school division is operating an experimental or innovative program. This waiver applies only to the school where the experimental or innovative program is offered.

**Summary of Major Elements:** The department received 79 Pre-Labor Day waiver requests from school divisions and a Governor's School for the 2005-2006 school year. All of the requests were approved. The

79 requests included 58 for inclement weather, 15 for dependent programs, and 7 for experimental or innovative programs. One school division, Danville Public Schools, filed for waivers in two categories: dependent programs, and experimental or innovative programs. The Central Virginia Governor's School for Science and Technology, with students from Amherst County, Appomattox County, Bedford County, Campbell County, and the City of Lynchburg, filed for a waiver as a dependent program.

**Superintendent's Recommendation:** The Superintendent of Public Instruction recommends that the Board of Education accept the report.

**Impact on Resources:** None

**Timetable for Further Review/Action:** N/A



**VIRGINIA BOARD OF EDUCATION**

**REPORT**

**REPORT ON  
PRE-LABOR DAY WAIVERS  
FOR THE  
2005-2006 SCHOOL YEAR**

**NOVEMBER 30, 2005**

**REPORT TO THE BOARD OF EDUCATION  
ON PRE-LABOR DAY WAIVERS  
FOR THE 2005-2006 SCHOOL YEAR**

**Background**

Section 22.1-79.1 of the Code of Virginia provides that each school board must set the first day for the school year after Labor Day. However, the Board of Education may waive this requirement for good cause. For purposes of this statute, subsection B of this Code section provides that “good cause” means:

1. A school division has been closed an average of eight days per year during any five of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations;
2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided; or
3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section [a day subsequent to Labor Day] and which has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs which are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools.

Prior to the opening of school, a school division may submit a Pre-Labor Day waiver request to the Virginia Department of Education. This request must be submitted on a form prescribed by the Superintendent of Public Instruction and must include a thorough explanation of all conditions that constitute good cause as related to emergency closures, dependent schools, or experimental or innovative programs. The school division must submit the waiver application every year it wants approval for a Pre-Labor Day waiver request.

Pursuant to Board Resolution # 1999-2, issued March 25, 1999, the Board of Education has delegated to the Superintendent of Public Instruction the authority to approve waivers on behalf of the Board. However, the Board must review and approve initial requests for waivers for experimental or innovative programs. Experimental or innovative programs include programs operated on a year-round basis or with a modified calendar. School divisions approved to operate innovative or experimental programs must submit evaluations of the programs to the department annually as part of the waiver application process.

### **Current Status**

The department received 79 requests from school divisions and a Governor's School for approval of Pre-Labor Day waivers for the 2005-2006 school year:

1. Inclement weather: 58
2. Dependent program: 15
3. Experimental or innovative program: 7

A list of the school divisions receiving waivers in each category is attached. The Board reviewed and approved one new request for approval of an innovative program (a modified school calendar) for Mt. Vernon Elementary School in Alexandria. One school division (Danville) filed requests in two categories: dependent program and experimental or innovative program. The Central Virginia Governor's School for Science and Technology, with students from Amherst County, Appomattox County, Bedford County, Campbell County, and the City of Lynchburg, filed for a waiver as a dependent program. All requests received by the department were approved for the 2005-2006 school year.

### 2005-2006 Pre-Labor Day Waiver Requests

<b>Inclement Weather</b>	<b>Dependent Program</b>	<b>Experimental/Innovative</b>
Albemarle	Bristol	Alexandria
Alleghany	Buena Vista	Arlington
Amelia	Central Virginia Governor's	Danville
Amherst	Charlottesville	Fairfax
Appomattox	Covington	Hampton
Augusta	Danville	Prince Edward
Bath	Fluvanna	Virginia Beach
Bedford	Harrisonburg	
Bland	Lexington	
Botetourt	Louisa	
Buchanan	Martinsville	
Buckingham	Norton	
Campbell	Orange	
Carroll	Staunton	
Charlotte	Waynesboro	
Craig		
Culpeper		
Cumberland		
Dickenson		
Fauquier		
Floyd		
Franklin		
Frederick		
Galax		
Giles		
Goochland		
Grayson		
Greene		
Halifax		
Henry		
Highland		
Lee		
Loudoun		
Lunenburg		
Lynchburg		
Madison		
Montgomery		
Nelson		
Nottoway		

<b>Inclement Weather</b>	<b>Dependent Program</b>	<b>Experimental/Innovative</b>
Page		
Patrick		
Pittsylvania		
Pulaski		
Radford		
Rappahannock		
Roanoke County		
Rockbridge		
Rockingham		
Russell		
Scott		
Shenandoah		
Smyth		
Spotsylvania		
Tazewell		
Warren		
Washington		
Wise		
Wythe		